

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

JOSEPH LAUDICINA, ) Docket No. 17 C 50177  
)  
Plaintiff, ) Rockford, Illinois  
) Tuesday, April 10, 2018  
vs. ) 10:00 o'clock a.m.  
)  
CITY OF CRYSTAL LAKE, )  
et al., )  
Defendant. )

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE IAIN D. JOHNSTON

APPEARANCES:

For the Plaintiff: FOUTRIS LAW OFFICE, LTD.  
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MR. DAVID A. BRUEGGEN

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1           THE CLERK:   Calling 17 CV 50177, Laudicina v. City of  
2   Crystal Lake, et al.

3           MR. FOUTRIS:   Good morning, your Honor.   Basileios  
4   Foutris for the Plaintiff.

5           THE COURT:   Good morning, Mr. Foutris.

6           MR. BRUEGGEN:   Good morning, Judge.   Dave Brueggen on  
7   behalf of the Defendants.

8           THE COURT:   Good morning.

9           All right.   I have the parties' filings.   I have the  
10   motion, Mr. Foutris's response.   I have read those and done my  
11   own research.   I have thought about it.

12           It is your motion.   Let me hear from you.   And then I  
13   will hear from Mr. Foutris.   And then we will see where we go.

14           MR. BRUEGGEN:   Judge, as we laid out in the motion,  
15   we think there is, if you will, two elements to this.   There  
16   is one where the mental records are relevant to the factual  
17   situation.   The Escobedo case talked about that you should  
18   consider the Plaintiff be taken as he comes to the incident.  
19   There is many statements by many witnesses, including  
20   Plaintiff's sister-in-law.

21           THE COURT:   The Escobedo case -- I already  
22   interrupted you, and I apologize -- that's a trial case, not a  
23   discovery case?

24           MR. BRUEGGEN:   Correct, Judge.   They had allowed  
25   discovery on it.   This is admissibility at trial.   So, again,

1 here we are just on discoverability.

2           So the day of the incident, the Plaintiff made  
3 several suicidal comments to multiple people, which begs the  
4 question of whether this is potential suicide by cop, and then  
5 there is a history of his suicidal statements, including three  
6 suicidal -- three hospitalizations in the seven months before.  
7 So that's kind of, if you will, relevant to the facts of the  
8 situation and what happened on that event.

9           Then there is the second part, which is the relevancy  
10 to damages. Again, we believe the Plaintiff has put his  
11 mental state at issue because he is seeking recovery for  
12 emotional anxiety and mental trauma. It is not just simple  
13 garden variety. I know he said that. But if you look at the  
14 cases, there is some question about this garden variety. The  
15 Doe case, I believe, is the one from the Seventh Circuit that  
16 talks about opening the door, and a more recent case is Taylor  
17 that interprets Doe as the broad interpretation. So if you  
18 are seeking any mental health or emotional damages, you have  
19 opened the door to all of them, because they don't know if  
20 this whole idea of garden variety, how that can be done  
21 effectively at trial where a plaintiff says, "Oh, I feel sad,"  
22 but then the defense is unable to question that without  
23 possibly opening the door.

24           THE COURT: We kind of do that all the time, though,  
25 don't we?

1           MR. BRUEGGEN: We try, Judge, yes. To some extent,  
2   it can be -- I'm not saying it can be done, but I think the  
3   Flowers case really laid out the difficulty of this, about  
4   what is/is not, what is in/what is out, that there can be  
5   difficulty in doing that. Obviously, at trial, I think that  
6   is more of an admissibility thing down the road, not  
7   necessarily a discoverability thing.

8           Then the third element is just the Plaintiff, we  
9   anticipate, is going to claim disability or ongoing  
10   disability. We think it is appropriate to know what his level  
11   of functioning was prior to the incident versus level of  
12   functioning after the incident, and, unfortunately, mental  
13   health does play a role in someone's functioning in society  
14   and ability.

15          THE COURT: The Flowers case, which, of course, Judge  
16   Cole -- this is classic Judge Cole. So now you have every  
17   case you ever need to know on the issue discussed in one  
18   opinion. Because I'm wearing a black robe, I can say this,  
19   because I have immunity.

20          I started my question with "We do it all the time."  
21   The clear problem in that is the plaintiff's attorney.  
22   Mr. Foutris is not that attorney. I have dealt with both of  
23   those. It's night and day, very different.

24          So that's kind of where the issue went sideways in  
25   Flowers, is in the deposition, plaintiff's counsel misbehaves,

1 let's say, and started testifying about the scope of what  
2 garden variety would be, and his interpretation of what garden  
3 variety is is not in any rational human being's interpretation  
4 of garden variety. So that's where that is.

5           So what Judge Cole does, and it makes sense from  
6 judicial management, after he goes through the -- lays out all  
7 the factors and those types of things and the different  
8 analyses, basically comes to the point of based upon what  
9 plaintiff had testified to in his deposition and what  
10 plaintiff's counsel is saying he thinks garden variety is, it  
11 is not garden variety, and he has basically opened up the  
12 whole. So it is all at issue. So you can't have it both as a  
13 sword and a shield, which is the concept.

14           So a very helpful case, but factually distinct  
15 because of that kind of angle on it. So I get that.

16           Anything else?

17           MR. BRUEGGEN: Judge, just to kind of build on that,  
18 that's at a different point. That would be later down the  
19 line than the Flowers case, where earlier --

20           THE COURT: You haven't taken the deposition, right?

21           MR. BRUEGGEN: Yes. I'm just trying to head off that  
22 issue because it seemed like they had an agreement in that  
23 case and then things kind of spun out of control. I don't see  
24 that happening here, but, again, it is just better to consider  
25 it now and address it now than to come down the line and all

1 of a sudden have to redo a bunch of discovery because things  
2 have changed or something of that nature.

3 Then the last thing is there is no better source of  
4 the evidence available other than obtaining his mental health  
5 records, and, obviously, we can do that in a very tight -- you  
6 know, we don't have to go back ten years. We can do a very  
7 tight --

8 THE COURT: What kind of time frame? Because ten  
9 years is too long.

10 MR. BRUEGGEN: Yes. I mean, we would do it -- I  
11 think we asked for five years, but I think even two years  
12 before would be relevant, and then, obviously, subsequent. So  
13 it would be, basically, a total of -- you are looking at about  
14 five years, two years before and then it is almost like three  
15 years after.

16 THE COURT: Okay. Anything else?

17 MR. BRUEGGEN: No, that's it, Judge. Thank you.

18 THE COURT: Sorry for interrupting you.

19 Go ahead, Mr. Foutris.

20 MR. FOUTRIS: I, obviously, disagree.

21 THE COURT: With what?

22 MR. FOUTRIS: With pretty much everything he said.

23 THE COURT: Okay. You can disagree with me, too.

24 That's fine.

25 MR. FOUTRIS: First of all, I will start off with we

1 did take Defendant Krol's deposition yesterday.

2 THE COURT: Okay.

3 MR. FOUTRIS: He did verify he knew nothing about the  
4 Plaintiff's state of sobriety, knew nothing about his mental  
5 health. He never interacted with him before. He may have  
6 interacted with him prior years before, but he wasn't sure of  
7 when he actually arrested the Plaintiff's brother. He said  
8 that the Plaintiff might have been present at that time, but  
9 he doesn't know. So to start with, the Defendant himself knew  
10 nothing about the Plaintiff's mental health.

11 THE COURT: Okay.

12 MR. FOUTRIS: And as far as the interaction itself,  
13 there was nothing of the interaction itself that would, based  
14 on what the Defendant had said, that would essentially put him  
15 on notice that, perhaps, there was a mental health issue,  
16 because he showed up on the scene, and he told the Plaintiff  
17 to "Freeze, police." The Plaintiff didn't. He kept walking  
18 away. Then at some point he turned around and charged at  
19 them. While that's not necessarily something that a normal  
20 human being might do faced with a police officer, it is still  
21 not indicative of a mental health issue.

22 So there is no factual information, personal  
23 knowledge, that this officer had of mental health, and their  
24 defense is suicide by cop. So they are trying to inject their  
25 defense, or what they are saying is through their defense that

1 they want to advance, that allows them the ability to get into  
2 the mental health treatment of the Plaintiff, if there were  
3 any, and the cases that have considered that in Illinois, that  
4 would be strictly prohibited if this were in Illinois. There  
5 is that Reda case.

6 And in the circuits that I have found, there is one  
7 in the D.C. Circuit. There is one in the Second Circuit. I  
8 didn't cite district court cases elsewhere for that  
9 proposition, but the circuit court cases that I found that  
10 directly addressed it, they both said, no, the defendants  
11 cannot get at mental health treatment by injecting it on their  
12 own, that the Plaintiff has to do it, and here the only place  
13 where the Plaintiff has done it is through the boilerplate  
14 language in the complaint, and I do submit it is boilerplate  
15 language, and it is the garden variety, and it is as stated in  
16 the answers to interrogatories.

17 So that's the primary thing is that Plaintiff, from  
18 my position, has not injected mental health into this case,  
19 and since the Plaintiff hasn't done that, then the Defendants  
20 shouldn't be able to get it, no different than if I tried to  
21 get -- and I have tried to get -- police officers'  
22 psychological/mental health screenings before they are hired  
23 by police departments many times, and every single time I'm  
24 shot down. I know there is a case out of this division that  
25 has allowed it in the past, but generally speaking I have



1     never been able to get it.   So I think that's the one  
2     exception.

3             THE COURT:   There you go.

4             MR. FOUTRIS:   Right.   There is exceptions, I suppose,  
5     always.

6             THE COURT:   Because I know I have.   I know I have  
7     allowed it.

8             MR. FOUTRIS:   Right.   I'm just saying that generally  
9     speaking, it is not something I can get, and what I'm always  
10    told is the same thing that I always argue as a plaintiff's  
11    attorney, is that "I haven't put this into it," and my  
12    intention is to not ask anything at all about mental health  
13    treatment that my client has undergone, not ask about any  
14    diagnoses.   So these are the things that I intend to do.

15            Again, I don't know what my client is going to do.   I  
16    can't control a client at a deposition.   He may start saying  
17    all sorts of things, and it may open the door, but that is not  
18    what the intention is.   That is not what the intention has  
19    been in this case.   But in a nutshell, our position is, my  
20    position is, that we haven't injected it into the case, and  
21    the Defendants don't get it just because they feel it will  
22    help their defense.

23            THE COURT:   Okay.   Hold on one second.

24            Go ahead.

25            MR. BRUEGGEN:   Just to respond, Judge, I think here

1 it is different than trying to get an officer's mental health  
2 history from when he signed up with the police force where it  
3 is more of a fishing expedition. Here we have basically  
4 examples of suicidal comments, that there is this potential of  
5 this suicidal nature of the Plaintiff. I think it at least  
6 warrants discovery into that.

7           Plaintiff argues that we are going to defend on a  
8 suicide by cop. That's not our intent. That's a potential,  
9 but we are defending based on a reasonable shooting,  
10 reasonable use of force, and that might explain why the  
11 Plaintiff did what he did, as Plaintiff's counsel said,  
12 charged at the cop. That might help provide context to why he  
13 did what he did.

14           The other thing, again, this is just discovery. We  
15 are just seeking this to find out what is out there. It may  
16 turn out there is nothing to it, it may turn out there is  
17 something to it, but, again, we will be having a similar fight  
18 later on when it comes to trial for admissibility. So we  
19 think we are entitled to it from a discovery nature to find  
20 out all the information about the Plaintiff, what he brought  
21 to the situation, as Escobedo allowed.

22           MR. FOUTRIS: The only thing I would add, Judge, is  
23 this evidence about suicide and this evidence about  
24 prescription medication and all that, that all came about  
25 after the fact. This is stuff that was uncovered either by

1 the Illinois State Police or by a search warrant to his  
2 mother's house. It is nothing they knew beforehand. And in  
3 the cases where there is suicide by cop, a lot of that stuff  
4 is known ahead of time. It doesn't usually come out after the  
5 fact. It has to do with what the officer knew at that time,  
6 which he didn't know any of this.

7 Frankly, based on yesterday's deposition, he knew  
8 that there had been a prior incident earlier on that shift  
9 involving a domestic with his mother and that the Plaintiff  
10 had a switchblade -- or not a switchblade, some type of a  
11 knife on him at that time. That's essentially all he knew.

12 MR. BRUEGGEN: Judge, we would agree with that, that  
13 it doesn't go to the Defendant's state of mind. It goes to,  
14 basically, the Plaintiff's state of mind, what he was doing at  
15 the time, not what the Defendant knew. We agree with that.

16 THE COURT: Right. They are not mutually exclusive.  
17 Because it is an excessive force, it is slightly different  
18 than search, probable cause, and what an officer knew.

19 So let me ask you this: Mr. Foutris, he has already  
20 said multiple times that they are only seeking "garden  
21 variety" damages, and you take the Plaintiff's deposition, and  
22 the Plaintiff says, "I felt bad, I was nervous, I couldn't  
23 sleep for a little bit," that kind of stuff, and he doesn't  
24 goes sideways like in Flowers, prompted by plaintiff's  
25 counsel, by the way. That would seem to address your concern

1     about damages, right?

2                 MR. BRUEGGEN: Yes, to some extent. I mean, again,  
3     it depends on how far he goes down that line.

4                 THE COURT: And that's why I said after the  
5     deposition and making those assumptions, right?

6                 MR. BRUEGGEN: Yes.

7                 THE COURT: Okay. That would address the damages  
8     issue.

9                 MR. BRUEGGEN: Correct, Judge.

10                THE COURT: And you have already said multiple times  
11     that that's kind of where it is going. Of course you can't  
12     stop a plaintiff mid-sentence in a deposition. I mean, you  
13     can do it and say, "Here is what we are doing," but you can  
14     still have a stipulation that addresses that, although I think  
15     Judge Cole dropped a footnote and says it doesn't work that  
16     way, but don't tell him I said that I would allow it.

17                That would address -- Mr. Foutris, would that address  
18     from your perspective the damage component to it?

19                MR. FOUTRIS: Yes, I mean if he sticks to what I hope  
20     he sticks to.

21                THE COURT: Okay. All right. We have all been in  
22     depositions and been subjected to our client saying things  
23     that we never ever knew was going to come out of their mouth,  
24     and it flies out, and you are stuck with it.

25                So that would address -- I mean, what I'm leaning

1   towards is seeing how -- entering and continuing the motion to  
2   see how the deposition plays out. That would address the  
3   damages component to what's in front of me. It doesn't  
4   address the relevance, corroborating evidence or lack thereof  
5   issue, or even recollection, ability to recall. If someone is  
6   on drugs or having a psychotic break, what's their ability to  
7   recall, maybe a jury should hear that.

8               So Mr. Foutris is correct that generally, and you  
9   agree, that generally if it is not known, it might not come in  
10   at trial, but there is that Sherrod or Sherrod case, versus  
11   Berry, and then Escobedo when that came out that talk about  
12   not overruling but severely limiting a decision. It talks  
13   about the officer may not know about it, but all this  
14   information that the officer did not know can be used to  
15   corroborate the officer's version of the events that a person  
16   who is having those issues, whether they be drug-induced or  
17   alcohol-induced or mental illness-induced, that their behavior  
18   is consistent with one or the other. So my little  
19   wait-and-see doesn't address that.

20              MR. FOUTRIS: Well, what I would say to that, Judge,  
21   is a lot of those cases come out of the whole, was he armed or  
22   wasn't he armed, where the plaintiffs say, "Well, he never had  
23   a gun on him," and the question is, "Well, it doesn't matter  
24   if he did or didn't," and the arguments that plaintiffs  
25   oftentimes make are that, "Well, if he had -- if he did not

1 have a gun, then he would never have made that furtive  
2 movement," and from my memory of the case law, it is  
3 basically, "Well, he was unarmed, and it doesn't matter at the  
4 end of the day." That's just the way I recall that.

5 THE COURT: Right. And that's what some of those  
6 cases -- you are correct, Mr. Foutris, some cases go that way,  
7 but some also talk about it going beyond that. It goes to  
8 support the different versions of the events.

9 If the defendant says, "This person is acting  
10 erratically, and I told the plaintiff/citizen to stop, to do  
11 certain things, and they didn't do it," and that's their  
12 version, and there is no video, and then the plaintiff  
13 testifies, "I did everything they told me to do," now you have  
14 got a conflict, which is why we have jury trials. Then  
15 evidence of mental health and drugs and alcohol can come in to  
16 support the defendant's version that you have people who are  
17 suffering from those effects, they don't listen to directions,  
18 they act erratically, they charge, they do all those kind of  
19 things, whether or not they have a weapon. That's what I'm  
20 struggling with. I think we can address the whole damages  
21 issue with a wait-and-see. My concern is the other component  
22 to it.

23 MR. FOUTRIS: From my perspective, I think the Jaffe  
24 court recognized that there is a psychotherapist/patient  
25 privilege.

1 THE COURT: There is.

2 MR. FOUTRIS: I think what we are talking about still  
3 is the Defendants overcoming that privilege by way of a  
4 defense, and that's when I come back to this Second Circuit  
5 and the D.C. Circuit cases which say that they can't get the  
6 mental health in without the Plaintiff first injecting it  
7 because it is a privilege. It is no different than any other  
8 privilege.

9 THE COURT: It is a privilege. Privileges can be  
10 waived.

11 MR. FOUTRIS: They can.

12 THE COURT: And that's where the Doe case comes in,  
13 and then the Taylor case addresses a lot of the issues that I  
14 was struggling with, because when you read Doe, and it comes  
15 way at the end, a Judge Posner afterthought -- "Here, I'm  
16 going to screw this up for everybody with a couple  
17 paragraphs" -- it talks about Jaffe. It is a privilege.

18 So what you have is privilege, general proposition.  
19 Privilege applies. Exception at issue. It is waived. And  
20 then exception to the exception unless it is garden variety.  
21 So it is a three-step dance: Privilege, waived, not waived if  
22 it is garden variety. So the question is, well, how was it  
23 waived? So you put it at issue, even with the boilerplate  
24 that you discussed.

25 Doe says you do. That's my reading of Doe, and I'm

1 not alone on that. Not only does Judge Lee say that, I forgot  
2 what other circuits do. Well, somebody in the future may tell  
3 me that I am misreading Doe and that I will just be in a group  
4 of people that have misread Doe. There is a bunch of us.

5           So Doe, my reading of Doe, puts the Seventh Circuit  
6 in the "It is waived just by pleading it." I don't like that,  
7 and that's why I think you have the cases. You have Judge  
8 Kennelly's decision before Doe, going through the whole  
9 analysis, and it makes some sense, and then Doe comes out, and  
10 then you have got the judges kind of figure out, "Okay, well,  
11 where does this land?" It is a pretty harsh result, and  
12 that's why I think you get the decisions where people are  
13 trying to avoid making the decisions, like I'm trying to do  
14 right now, okay, because I think that's what Doe says.

15           And then Judge Lee's decision in Taylor, it addresses  
16 all those issues, including whether there was an intentional  
17 infliction of emotional distress claim, because I remember  
18 that Doe case, and then there was one, but then they dropped  
19 it. So I thought maybe that was the reason, the unstated  
20 reason for Doe, but because that claim was voluntarily  
21 dismissed, it couldn't have been, unless somebody didn't see  
22 it.

23           So here is what we are going to do: Take the  
24 Plaintiff's deposition. I'm going to enter and continue the  
25 motion. We will see what happens at the deposition. We will



1 have a status after that and we will see where things stand.  
2 If that's the testimony, "I couldn't sleep for a couple days,"  
3 those type of things, "I've lost weight, I've lost weight,"  
4 you know, that's all sort of the garden variety. "I was  
5 nervous and all that, I was nervous for a while, I felt  
6 depressed for a week," okay, yes, that's garden variety.

7 If it is "I won't leave my house, I'm terrified of  
8 anybody who has a sidearm, my hair is falling out, I have lost  
9 200 pounds, all because" -- okay, well, then, now we have got  
10 a different issue. So let's see how that deposition testimony  
11 comes about, and I will enter and continue the motion.

12 MR. BRUEGGEN: Judge, what about the Escobedo issue,  
13 about the Plaintiff -- you take the Plaintiff as he interjects  
14 himself, with what he brought to the situation?

15 THE COURT: That's why I have entered and continued  
16 the motion.

17 MR. BRUEGGEN: Okay. So then would we be entitled to  
18 a second deposition of the Plaintiff if he opens the door to  
19 mental health? We would then be able to subpoena his mental  
20 health records and re-depose him on those issues?

21 THE COURT: I have a feeling Mr. Foutris is going to  
22 talk to his client a couple of times before the deposition.  
23 If it happens, do this, call me from the deposition and let me  
24 know what is going on, okay?

25 And then as to the, what we will call, the "Escobedo

1   issue," that's why I'm entering and continuing the motion,  
2   okay? Because that's a separate issue in my mind.

3               MR. FOUTRIS: I mean, I know it is a separate issue,  
4   Judge, but just from my perspective, practically speaking, if  
5   it is going to end up coming in on one issue or the other,  
6   then I may as well not, you know --

7               THE COURT: That's a good point. Why limit it?

8               MR. FOUTRIS: Right.

9               THE COURT: Well, think about it. You kind of know  
10   where I'm going.

11              MR. FOUTRIS: I know.

12              THE COURT: Think about it, and then why don't  
13   you -- do we have a date for the Plaintiff's deposition?

14              MR. FOUTRIS: We don't, Judge.

15              MR. BRUEGGEN: We have a tentative timing based on  
16   Mr. Foutris's trial schedule. He is kind of slammed the next  
17   couple of months.

18              THE COURT: I just told him that.

19              MR. FOUTRIS: Right. I had a couple trials that I  
20   thought were going to settle, and they are not. So one of the  
21   things we were -- well, not "we," but I was going to ask  
22   today, and I don't like to ask for extensions, but I was going  
23   to ask for an extension of fact discovery. Right now we have  
24   until the end of August. Just to let the court know the  
25   rationale for it, I have a trial in May, a trial in June. The

1 one in June will probably take at least a week just for jury  
2 selection.

3 THE COURT: Extend fact discovery until November 2nd,  
4 2018.

5 MR. FOUTRIS: I would ask, if we could, until the end  
6 of the year.

7 THE COURT: I will give you that, but that will be  
8 the drop dead. I won't move it beyond that.

9 MR. FOUTRIS: Right.

10 THE COURT: Okay. That will be the drop-dead date,  
11 12/31/2018.

12 Expert deadlines remain reserved.

13 I will strike the dispositive motion date. That's  
14 set for October 31st. I will strike that and set it for -- it  
15 is an excessive force case; please don't file a dispositive  
16 motion -- January 31st for dispositive motions. That's  
17 January 31st, 2019.

18 What's your best estimate on deposing the Plaintiff?  
19 When do you think that --

20 MR. BRUEGGEN: End of June.

21 THE COURT: Realistically.

22 MR. FOUTRIS: We were talking about the end of June.  
23 We do have -- we took the Defendant's deposition yesterday.  
24 The two first responding officers -- I think were the first  
25 two responding officers, after the fact -- are being deposed

1 tomorrow, and we don't have any other set depositions pending  
2 today's motion hearing --

3 THE COURT: Okay.

4 MR. FOUTRIS: -- and some scheduling issues.

5 THE COURT: July 10th at -- I can do 9:00 or 1:30 for  
6 a telephonic.

7 MR. FOUTRIS: I may be out of the country, but if I  
8 am -- right now that works, Judge.

9 THE COURT: Okay.

10 MR. FOUTRIS: But --

11 THE COURT: They still have phones in Greece, right?

12 MR. FOUTRIS: Huh?

13 THE COURT: They still have phones in Greece? I  
14 don't know the time difference.

15 MR. FOUTRIS: Eight hours.

16 THE COURT: Okay. Do you want to go with the 17th?  
17 Will you be back by then?

18 MR. FOUTRIS: I would ask that we keep it to the  
19 10th, and if for whatever reason I do end up being out of  
20 town, I may contact counsel and see if we can, with the  
21 court's permission, of course, move it back a week or two  
22 after that, depending on when that is.

23 THE COURT: So 7/10.

24 MR. BRUEGGEN: 7/10 is fine.

25 THE COURT: 9:00 or 1:30?

1 MR. FOUTRIS: Doesn't matter to me.

2 MR. BRUEGGEN: Either one.

3 THE COURT: Let's put it at 1:30.

4 So it will be entered and continued. You know where  
5 I'm coming from, okay?

6 MR. FOUTRIS: Thank you, Judge.

7 MR. BRUEGGEN: We will talk in the meantime and see  
8 if we can't sort things out otherwise.

9 THE COURT: And if you need a settlement conference,  
10 you let me know.

11 MR. FOUTRIS: Thank you, Judge.

12 THE COURT: Thank you.

13 (Which were all the proceedings heard.)

14 CERTIFICATE

15 I certify that the foregoing is a correct transcript from  
16 the record of proceedings in the above-entitled matter.

17 /s/ Heather M. Perkins-Reiva

May 9, 2018

18 \_\_\_\_\_  
19 Heather M. Perkins-Reiva  
Official Court Reporter

\_\_\_\_\_  
Date

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